

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:02-CR-00037-RJC

USA)
)
v.) ORDER
)
DARREN LEONARD IZARD (4))
)

THIS MATTER is before the Court upon motion of the defendant pro se for jail credit. (Doc. No. 675).

The defendant was sentenced to 51 months' imprisonment for violating the conditions of his supervised release by committing a new drug trafficking offense prosecuted by the State of North Carolina, and other conduct. (Doc. No. 606: Petition; Doc. No. 633: Judgment). In the motion, the defendant requests that the Court order credit for 903 days spent in federal custody pending resolution of the Petition.¹ (Doc. No. 675: Motion at 1-2).

It is the responsibility of the Attorney General, through the Bureau of Prisons, to compute jail credit. United States v. Stroud, 584 F.3d 159, 160 (4th Cir. 2014) (citing United States v. Wilson, 503 U.S. 329, 334-35 (1992)). If a defendant is not given the sentencing credit he thinks he deserves, his recourse is first to seek

¹ Although the defendant seeks credit for spent in official detention under 18 U.S.C. § 3585(b), that statute prohibits awarding credit for time that has been credited against another sentence. The state court judgment resulting from the defendant's new offense shows that he was given 903 days' credit toward his state sentence. (Doc. No. 675-1 at 2). Accordingly, it does not appear the defendant is entitled to the requested relief.

an administrative remedy, 28 C.F.R. § 542.10, and after that to file a petition under 28 U.S.C. § 2241 in the district of confinement.² Id.

IT IS, THEREFORE, ORDERED, that the defendant's pro se motion to receive jail credit (Doc. No. 675) is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, to the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: July 11, 2018



Robert J. Conrad, Jr.
United States District Judge

² The defendant is serving his sentence at Butner Medium II FCI in the Eastern District of North Carolina. (Doc. No. 675-2: Envelope).